



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors
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ZEV YAROSLAVSKY
Third District

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Fourth District

MICHAEL D. ANTONOVICH
Fifth District

April 15, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**DEPARTMENT OF PARKS AND RECREATION: APPROVAL OF
RESOLUTION INITIATING PROCEEDINGS FOR THE ANNUAL LEVY
OF ASSESSMENTS FOR ZONES WITHIN LOS ANGELES COUNTY
LANDSCAPING AND LIGHTING ACT DISTRICT NUMBERS 1, 2, AND 4;
AN INCREASE TO EXISTING RATE IN LANDSCAPING AND LIGHTING ACT
DISTRICT NUMBER 2, ZONE NUMBER 21 (SUNSET POINTE); ADDITION OF A
NEW CONSUMER PRICE INDEX ADJUSTMENT COMPONENT IN LANDSCAPING
AND LIGHTING ACT DISTRICT NUMBER 4, ZONE NUMBER 77 (WEST CREEK
PARK); AND THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN
SUCH LANDSCAPING AND LIGHTING ACT DISTRICTS AND ZONES FOR
FISCAL YEAR 2008–2009; AND ORDERING THE PREPARATION OF
AN ENGINEER'S REPORT IN CONNECTION THEREWITH
(SUPERVISORIAL DISTRICTS 1, 3, 4, AND 5) (3 VOTES)**

SUBJECT

Adoption of the Resolution Initiating Proceedings for the levy of annual assessments for Landscaping and Lighting Act District Numbers 1, 2, and 4 and Zones therein, increasing the existing assessment rate for Landscaping and Lighting Act District Number 2, Zone Number 21 – Sunset Pointe, and addition of a new Consumer Price Index adjustment component for Landscaping and Lighting Act District Number 4, Zone Number 77 – West Creek Park.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find the proposed actions exempt from the California Environmental Quality Act, for the reasons cited herein.

2. Adopt the attached Resolution Initiating Proceedings to levy annual assessments for landscape and park maintenance purposes for Landscaping and Lighting Act District Numbers 1, 2, and 4 and Zones therein, pursuant to provisions of the Landscaping and Lighting Act of 1972, Section 22500 *et. seq.* of the California Streets and Highways Code, and as provided by Article XIID of the California Constitution; and to increase the existing rate for Landscaping and Lighting Act District Number 2, Zone Number 21 – Sunset Pointe; and to add a new Consumer Price Index adjustment component for Landscaping and Lighting Act District Number 4, Zone Number 77 – West Creek Park.
3. Designate the Director of the Department of Parks and Recreation as the "Engineer" for purposes of implementing this procedure.
4. Instruct the Director of the Department of Parks and Recreation to prepare and file an Engineer's Report in accordance with Section 22565 of the Streets and Highways Code; for the annual levy of assessments for Fiscal Year 2008–09 within Landscaping and Lighting Act District Numbers 1, 2, and 4 and Zones therein, and to increase the existing rate for Landscaping and Lighting Act District Number 2, Zone Number 21 – Sunset Pointe; and to add a new Consumer Price Index adjustment component for Landscaping and Lighting Act District Number 4, Zone Number 77 – West Creek Park; and levying of assessments therein.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of this recommended action is for your Board to initiate proceedings for the levying of annual assessments for landscape and park maintenance purposes by directing the Department of Parks and Recreation (Department) to prepare the required annual Engineer's Report. This Engineer's Report will also include a recommendation for an increase to the existing rate for Landscaping and Lighting Act (LLA) District No. 2, Zone No. 21 (Sunset Pointe); and addition of a Consumer Price Index (CPI) adjustment component for LLA District No. 4, Zone No. 77 (West Creek Park).

This Board action only initiates the assessment process and does not, in itself, establish any assessment rates. In accordance with Proposition 13, assessments cannot be based on property values. Each District and Zone therein is obligated to establish a benefit formula by which assessments are set according to the benefit received from the service or improvement. Under Proposition 218, which amended Articles XIIC and XIID of the California Constitution, the local government (Board) is required to give the affected property owners written notice of the proposed new or increased assessment and hold a public hearing (protest hearing) to receive ballots in support of or opposition to the proposed new or increased assessment for tabulation.

On July 12, 1979, August 10, 1995, and July 22, 1997, your Board approved the formation of LLA District Nos. 1, 2, and 4 and Zones therein, respectively, for the purpose of providing landscaping in County-administered LLA Districts and Zones therein, pursuant to provisions of the LLA. As the governing body, the Board of Supervisors is responsible for approving the levying of annual assessments for landscape and park maintenance purposes. Board adoption of the Resolution Initiating Proceedings institutes the annual assessment process for the renewal or increase of existing annual assessments and the establishment of new assessments for Fiscal Year 2008–09. Proceedings regarding the proposed increase to the existing rate in Sunset Pointe, and addition of a CPI adjustment component for West Creek Park, will be considered pursuant to a Resolution of Intention, as required by the Streets and Highways Code and as provided by Article XIID of the California Constitution.

Implementation of Strategic Plan Goals

These actions will further the County's Strategic Plan Goals of Service Excellence (Goal 1) and Fiscal Responsibility (Goal 4). These recommendations, in compliance with the LLA and Article XIID of the California Constitution, will allow the County to service and maintain the park, landscaping and appurtenant facilities that benefit those who live within these Districts and Zones therein.

FISCAL IMPACT/FINANCING

All services provided in the Districts and Zones therein, are funded by the assessments established by the Board of Supervisors. There is no fiscal impact to the General Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The LLA sets forth procedures that must be followed for any fiscal year during which assessments levied in a prior fiscal year are to be continued. The Landscaping and Lighting Act, Government Code Section 53753, and the California Constitution establish procedures that must be followed for the levy of any new or increased assessments. The LLA requires that your Board adopt a Resolution Initiating Proceedings, and generally describe any proposed improvements or substantial changes in existing improvements. Your Board must also order the Engineer to prepare and file a report in accordance with Section 22565 of the Streets and Highways Code.

Increase to the existing rate is being proposed for Sunset Pointe. The addition of a CPI adjustment component to the annual assessments is also being proposed for West Creek Park. The increase to the existing rate and addition of the CPI adjustment component are being proposed to ensure the future financial viability of these Zones.

Over the next month we will submit, for your Board's approval, the required Engineer's Report and Resolution of Intention, setting the public hearing date to establish the assessments for Fiscal Year 2008–09, pursuant to the Streets and Highways Code and as provided by Article XIID of the California Constitution.

County Counsel has approved the attached Resolution as to form.

ENVIRONMENTAL DOCUMENTATION

Approval of the proposed action is exempt from the California Environmental Quality Act (CEQA), according to Section 15273(a)(1)(2)(3)(4) of the State CEQA Guidelines because the CEQA does not apply to the establishment, modification, structuring, or approval of rates, tolls, fares, or other charges by public agencies. The proposed actions are also categorically exempt from the CEQA, according to Sections 15306 of the State CEQA Guidelines and Class 6 of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, because the project involves basic data collection. Approval of the increase is further exempt from the CEQA because it is for the purposes of (1) meeting operating expenses including employee wage rates and fringe benefits, (2) purchasing and leasing supplies, equipment, or materials, (3) meeting financial reserve needs and requirements, and/or (4) obtaining funds for capital projects necessary to maintain service within existing service areas, pursuant to Section 21080(b)8 of the Public Resources Code.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

None.

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CONCLUSION

It is requested that an executed copy of this document be retained by the Executive Officer-Clerk of the Board, one (1) conformed copy each be forwarded to the Chief Executive Office, County Counsel, and Auditor-Controller, and two (2) conformed copies be forwarded to the Department of Parks and Recreation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. T. Fujioka', with a long horizontal flourish extending to the right.

WILLIAM T FUJIOKA
Chief Executive Officer

WTF:LS:RG
KEH:PM:rc

Attachments (1)

c: County Counsel

**COUNTY OF LOS ANGELES
BOARD OF SUPERVISORS**

RESOLUTION INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS FOR ZONES WITHIN LOS ANGELES COUNTY LANDSCAPING AND LIGHTING ACT (LLA) DISTRICT NOS. 1, 2, AND 4; AN INCREASE TO EXISTING RATE IN LLA DISTRICT NO. 2 ZONE NO. 21 (SUNSET POINTE); ADDITION OF A NEW CONSUMER PRICE INDEX ADJUSTMENT COMPONENT IN LLA DISTRICT NO. 4 ZONE NO. 77 (WEST CREEK PARK); AND THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN SUCH LLA DISTRICTS AND ZONES FOR FISCAL YEAR 2008–2009; AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT IN CONNECTION THEREWITH

WHEREAS, on July 12, 1979, August 10, 1995, and July 22, 1997, the Board of Supervisors of the County of Los Angeles approved the formation of Landscape and Lighting Act ("LLA") District Nos. 1, 2, and 4, respectively, for the purpose of providing funds for the operation of the LLA Districts and Zones within the County of Los Angeles pursuant to provisions of the Landscaping and Lighting Act of 1972 (the "Landscaping and Lighting Act"), Section 22500 et. seq. of the California Streets and Highways Code ("Streets and Highways Code"); and

WHEREAS, three (3), twenty-three (23) and seventeen (17) separate Zones have been established within the LLA District Nos. 1, 2, and 4, respectively, and each Zone consisting of territory receives substantially the same degree of benefit from the improvements; and

WHEREAS, each of the three (3), twenty-three (23), and seventeen (17) Zones within LLA District Nos. 1, 2, and 4, respectively, retain separate budgets, trust accounts, and unit numbers established by the Los Angeles County Auditor-Controller; and

WHEREAS, the Board of Supervisors previously approved the formation of LLA District Nos. 1, 2, and 4 and Zones therein for the purpose of providing

funds for landscape maintenance services located therein pursuant to the Landscaping and Lighting Act; and

WHEREAS, the Board of Supervisors hereby proposes to levy annual assessments for existing LLA Districts and Zones, and to levy and collect assessments against the lots and parcels of land within such LLA Districts and Zones to pay the costs and expenses of the landscape improvements for the fiscal year commencing July 1, 2008, and ending June 30, 2009, pursuant to the Landscaping and Lighting Act; and

WHEREAS, the Board of Supervisors hereby proposes to increase the existing rate for LLA District No. 2, Zone No. 21 (Sunset Pointe); and

WHEREAS, the Board of Supervisors hereby proposes to add a consumer price index ("CPI") adjustment component to the annual assessment in LLA District No. 4, Zone No. 77 (West Creek Park); and

WHEREAS, the general location and boundaries of the LLA Districts and Zones are shown on maps on file in the office of the Los Angeles County Department of Parks and Recreation and are incorporated herein by reference and open to public inspection; and

WHEREAS, provisions of the Landscaping and Lighting Act require the Board of Supervisors to adopt a Resolution Initiating Proceedings, to generally describe any proposed improvements or substantial changes in existing improvements, and to order the Engineer to prepare and file a report in accordance with Section 22565, of the Streets and Highways Code and Article XIID of the California Constitution.

NOW, THEREFORE, BE IT RESOLVED,

Section 1. That the Board of Supervisors proposes to establish assessments for park and landscape maintenance purposes for the 2008–2009 Fiscal Year to be levied against property in LLA District Nos. 1, 2, and 4 and the Zones therein pursuant to provisions of the Landscaping and Lighting Act.

Section 2. That the Board of Supervisors proposes to establish assessments for park and landscape maintenance purposes for the 2008–2009 Fiscal Year pursuant to provisions of the Landscaping and Lighting Act, to be used for the maintenance, repair, replacement, and upgrades to planted and irrigated slopes, turf areas, parkway panels, medians, automated irrigation system components, and park improvements within LLA District Nos. 1, 2, and 4 and the Zones therein, in compliance with procedures set forth in the Streets and Highways Code.

Section 3. That the Board of Supervisors proposes to increase the existing rate for LLA District No. 2, Zone No. 21 (Sunset Pointe).

Section 4. That the Board of Supervisors proposes to add a CPI adjustment component for LLA District No. 4, Zone No. 77 (West Creek Park).

Section 6. That the Director of the Los Angeles County Department of Parks and Recreation is hereby ordered to prepare and file Engineer's reports in accordance with Section 22565 of the Streets and Highways Code.

The foregoing Resolution was on the 15th day of APRIL, 2008, adopted by the Board of Supervisors and ex-officio the governing body of

all other special assessment and taxing districts, agencies and authorities for which said Board so acts.



SACHI A. HAMAI, Executive Officer-
Clerk of the Board of Supervisors of
the County of Los Angeles

By: 
Deputy

APPROVED AS TO FORM
BY COUNTY COUNSEL

RAYMOND G. FORTNER, JR.

By: 
Deputy County Counsel